

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF THE RECORDING
OF A CHANGE(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

From the INTERNATIONAL BUREAU

To:

NAKAMURA, Minoru
Shin-Tokyo Bldg
3-1, Marunouchi 3-Chome
Chiyoda-Ku, Tokyo 100-8355
Japan

OCT - 6 2003

NAKAMURA & PARTNERS

Date of mailing (day/month/year) 29 September 2003 (29.09.03)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference Y110716	
International application No. PCT/JP01/06800	International filing date (day/month/year) 08 August 2001 (08.08.01)

1. The following indications appeared on record concerning:

☒ the applicant ☐ the inventor ☐ the agent ☐ the common representative

Name and Address

DENTSU INC.
1-11-10, Tsukiji
Chuo-Ku, Tokyo 104-8426
Japan

State of Nationality

JP

State of Residence

JP

Telephone No.

Facsimile No.

Teleprinter No.

2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:

☐ the person ☐ the name ☒ the address ☐ the nationality ☐ the residence

Name and Address

8-1, Higashishinbashi 1-chome
Minato-ku, Tokyo 105-7001
Japan

State of Nationality

JP

State of Residence

JP

Telephone No.

Facsimile No.

Teleprinter No.

3. Further observations, if necessary:

4. A copy of this notification has been sent to:

☒ the receiving Office ☐ the designated Offices concerned
☐ the International Searching Authority ☒ the elected Offices concerned
☐ the International Preliminary Examining Authority ☐ other:

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No. (41-22) 338.90.90

Authorized officer

Patricia Blanchet (Fax 338 9090)

Telephone No. (41-22) 338 9655

PATENT COOPERATION TREATY

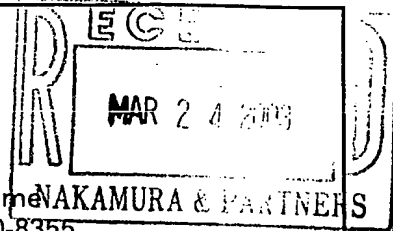
PCT
NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 72.2)

From the INTERNATIONAL BUREAU

To:

NAKAMURA, Minoru
 Shin-Tokyo Bldg
 3-1, Marunouchi 3-Chome
 Chiyoda-Ku, Tokyo 100-8355
 Japan



Date of mailing (day/month/year) 07 March 2003 (07.03.03)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference Y110716	
International application No. PCT/JP01/06800	International filing date (day/month/year) 08 August 2001 (08.08.01)
Applicant DENTSU INC. et al	

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

EP,CA,CN,KP,RO,US

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AP,EA,AE,AG,AL,AM,AT,AU,AZ,BA,BB,BG,BR,BY,BZ,CH,CO,CR,CU,CZ,DE,DK,DM,DZ,EC,EE,ES,FI,GB,GD,GE,GH,GM,HR,HU,ID,IL,IN,IS,JP,KE,KG,KR,KZ,LC,LK,LR,LS,LT,LU,LV,MA,MD,MG,MK,MN,MW,MX,MZ,NO,NZ,PL,PT,RU,SD,SE,SG,SI,SK,SL,TJ,TM,TR,TT,TZ,UA,UG,UZ,VN,YU,ZA,ZW,OA

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 338.90.90	Authorized officer Elliott PERETTI (Fax 338 9090) Telephone No. (41-22) 338 9906
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Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference Y110716	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP01/06800	International filing date (day/month/year) 08 August 2001 (08.08.01)	Priority date (day/month/year) 02 May 2001 (02.05.01)
International Patent Classification (IPC) or national classification and IPC G06F 17/60		
Applicant DENTSU INC.		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of _____ sheets.</p>	
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>	

Date of submission of the demand 12 November 2001 (12.11.01)	Date of completion of this report 28 March 2002 (28.03.2002)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP01/06800

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☐ the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the drawings:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP01/06800

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1-21	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-21	NO
Industrial applicability (IA)	Claims	1-21	YES
	Claims		NO

2. Citations and explanations

The following documents are cited in the ISR.

Document 1: JP, 9-251296, A (Yamaha Corp.), 22 September, 1997 (22.09.97), full text, Figs. 1-10

Document 2: JP, 7-212631, A (NEC Corp.), 11 August, 1995 (11.08.95), full text, Figs. 1-6

Document 3: JP, 2000-124867, A (Okinawa Television Broadcasting Co., Ltd.), 28 April, 2000 (28.04.00), full text, Figs. 1-23 (especially see [0037])

Document 4: JP, 10-124430, A (Mitsubishi Electric Corp.), 15 May, 1998 (15.05.98), full text, Figs. 1-14

Document 5: JP, 11-17633, A (Sony Corp.), 22 January, 1999 (22.01.99), full text, Figs. 1-6

Document 6: JP, 11-205259, A (NEC Engineering, Ltd.), 30 July, 1999 (30.07.99), full text, Figs. 1-7

Document 7: JP, 9-51522, A (Hitachi, Ltd.), 7 August, 1997 (07.08.97), full text, Figs. 1-17

The subject matters of claims 1, 2, 4, 8-11, 13 and 17-20 do not appear to involve an inventive step in view of documents 1 and 2.

Document 1 describes a system, in which (1) the suitable degrees of commercial messages for each user are expressed as numerical value information based on the pre-stored individual information of the user, and (2) a spot commercial message distribution schedule for each period between presentations of predetermined information is decided for distributing commercial messages.

Document 2 describes a commercial message sending order check device for checking whether the commercial message data to be sent is adequate judging from the contents of the programs broadcast before and after the presentation of the commercial message data.

A person skilled in the art could have easily conceived of applying the technique described in document 2 for distributing commercial messages in the system described in document 1, for establishing a constitution, in which whether the said commercial messages are adequate judging from the contents of the programs broadcast before and after the presentation of the commercial messages is checked for deciding a distribution schedule (that is, deciding the priority order for distributing the said commercial messages).

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of : V

Claims 1, 3, 4, 6, 8-10, 12, 13, 15 and 17-20 do not appear to involve an inventive step in view of documents 1 and 3.

Document 3 describes a system, in which a schedule for spot broadcasting of commercial messages is made based on the time zones, programs and the like not suitable for presentation of commercial messages of sponsors.

A person skilled in the art could have easily conceived of applying the technique described in document 3 for distributing commercial messages in the system described in document 1, for establishing a constitution, in which a distribution schedule is made based on programs and the like not suitable for presenting the commercial messages of sponsors (that is, the priority order of distributing the said commercial messages is decided).

The subject matters of claims 1, 4, 5, 8-10, 13, 14 and 17-20 do not appear to involve an inventive step in view of documents 1 and 4.

Document 4 describes a technique, in which when data is transmitted from a server to a client, the data to be presented is automatically selected with reference to the processing capacity of the client, and transmitted.

A person skilled in the art could have easily conceived of applying the technique described in document 4 for distributing commercial messages in the system described in document 1, for establishing a constitution, in which the form of commercial message data to be presented is automatically selected and transmitted.

The subject matters of claims 1, 4, 6, 8-10, 13, 15 and 17-20 do not appear to involve an inventive step in view of documents 1 and 5.

Document 5 describes a technique, in which advertisement information is distributed by means of digital broadcasting based on the attributes of each viewer such as the sex, age and region of the viewer.

A person skilled in the art could have easily conceived of applying the technique described in document 5 for distributing commercial messages in the system described in document 1, for establishing a constitution, in which a distribution schedule is decided based on attributes such as a distribution region and a distributed-to party.

The subject matters of claims 1, 4, 7-10, 13 and 16-20 do not appear to involve an inventive step in view of documents 1 and 6.

Document 6 describes a commercial message data arrangement system, in which a commercial program corresponding to the period of time preset for each commercial program frame is automatically set.

A person skilled in the art could have easily conceived of applying the technique described in document 6 for distributing commercial messages in the system described in document 1, for establishing a constitution, in which a distribution schedule is decided based on the period of time preset for each commercial frame.

The subject matter of claim 21 does not appear to involve an inventive step in view of documents 1 and 7.

Document 7 describes an image distribution system for distributing an advertisement image pre-designated by a sponsor in response to the image data requested by a client.

A person skilled in the art could have easily conceived of applying the technique described in document 7 for distributing commercial messages in the system described in document 1, for establishing a constitution, in which a distribution schedule also containing a commercial message with its distribution conditions pre-specified by a sponsor is decided.

From the Japanese Patent Office
Internaitonal Preliminary Examination Authority

WRITTEN OPINION
(PCT Rule 66)

Date of Mailing: January 15, 2002

REPLY DUE within 2 months from the
 above date of mailing

Priority date
(day/month/year)
02/05/2001

Applicant DENTSU INC.

1. This written opinion is the first (first, ect.) drawn by this International Preliminary Examination Authority.
2. This opinion contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step or industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application
3. The applicant is hereby invited to reply to this opinion.
 - When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension.
 - How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3.
For the form and the language of the amendments, see Rules 66.8 and 66.9.
 - Also For an additional opportunity to submit amendments, see Rule 66.4
For the examiner's obligation to consider amendments and/or arguments see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is September 2, 2003

Telephone No. 03-3581-1101 Ex. 3560

I . Basis of the Opinion

1. This opinion has been drawn on the basis of;

- ☒ the international application as originally filed
- ☐ the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the drawings:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the Written Opinion _____ was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

V . Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. STATEMENT

Novelty(N)

Claims 1-21

Claims YES

Claims NO

Inventive Step (IS)

Claims YES

Claims 1-21 NO

Industrial Applicability(IA)

Claims 1-21

Claims YES

Claims NO

2. CITATIONS AND EXPLANATIONS

Please see attached paper.

2. DOCUMENTS AND DESCRIPTIONS

Cited in the International Search,

1. JP, 9-251296, A (Yamaha) 22 September 1997, Entire Documents, Figures. 1 to 10
2. JP, 7-212631, A (NEC) 11 August 1995, Entire Documents, Figures 1 to 6
3. JP, 2000-124867, A (Okinawa TV) 28 April 2000, Entire Documents, Figures 1 to 23, (in particular, refer to the paragraph [0037])
4. JP, 10-124430, A (Mitsubishi Electric) 15 May 1998, Entire Documents, Figures 1 to 14
5. JP, 11-17633, A (Sony) 22 January 1999, Entire Documents, Figures 1 to 6
6. JP, 11-205259, A (NEC Engineering) 30 July 1999, Entire Documents, Figures 1 to 7
7. JP, 9-51522, A (HITACHI) 7 August 1997, Entire Documents, Figures 1 to 17

Claims 1, 2, 4, 8 to 11, 13 and 17 to 20 do not possess the inventive steps based on the Cited Documents Nos. 1 and 2.

In the Cited Document No. 1, there is disclosed a system for delivering a Commercial Message (CM), by representing a suitability of a CM for a user with a numerical value information, based on a pre-stored personal information of said user, and the determining a delivery schedule of a spot CM between predetermined information services.

In the Cited Document No. 2, there is disclosed a commercial delivery order checking apparatus for checking whether or not a commercial to be delivered is an appropriate one in regard with the contents of programs to be broadcasted before and after that commercial.

It is easily derived by a person skilled in the art to configure so as to determine a delivery schedule (i.e., the priority of delivering the CM) by checking whether or not a CM is an appropriate one in view point of the contents of the ones to be broadcasted, by applying the technology disclosed in the Cited Document No. 2, in case of delivering a CM in the system disclosed in the Cited Document No. 1.

Claims 1, 3, 4, 6, 8 to 10, 12, 13, 15 and 17 to 20 do not possess the

inventive steps, based on the Cited Documents Nos. 1 and 3.

In the Cited Document No. 3, there is disclosed a system for drafting a scheduling related to a spot broadcasting of a CM, based on the time zones, the kinds of programs, etc. which are considered to be not appropriate to broadcast a CM of a designated sponsor.

It is easily derived by a person skilled in the art to configure so as to draft a delivery scheduling (i.e., to determine the priority of delivering the CM) based on the kinds of programs, etc. which are considered to be not appropriate to broadcast a CM of a designated sponsor, by applying the technology disclosed in the Cited Document No. 3, in case of delivering a CM in the system disclosed in the Cited Document No. 1.

Claims 1, 4, 5, 8 to 11, 13, 14 and 17 to 20 do not possess the inventive steps based on the Cited Documents Nos. 1 and 4.

In the Cited Document No. 4, there is disclosed a technology for automatically selecting and sending data to be provided in response to a processing ability of a client in case of sending the data from a server to the client.

It is easily derived by a person skilled in the art to configure so as to automatically select and send a form of a CM data to be provided, by applying the technology disclosed in the Cited Document No. 4, in case of delivering a CM in the system disclosed in the Cited Document No. 1.

Claims 1, 4, 6, 8 to 10, 13, 15 and 17 to 20 do not possess the inventive steps based on the Cited Documents Nos. 1 and 5.

In the Cited Document No. 5, there is disclosed a technology for delivering an advertisement based on an audience's attributes such as a gender, an age, and an audited area of an audience, etc., in case of delivering an advertisement information in a digital broadcasting.

It is easily derived by a person skilled in the art to configure so as to determine a delivery schedule based on the attributes such as a delivery area and a delivery contents, etc., by applying the technology disclosed in the Cited Document No. 5, in case of delivering a CM in the system disclosed in the Cited Document No. 1.

Claims 1, 4, 7 to 10, 13 and 16 to 20 do not possess the inventive steps based on the Cited Documents Nos. 1 and 6.

In the Cited Document No. 6, there is disclosed a CM data delivery system for automatically setting a CM program corresponding to a predetermined amount of time in a CM program frame.

It is easily derived by a person skilled in the art to configure so as to determine a delivery schedule based on the predetermined time in the CM frame, by applying the technology disclosed in the Cited Document No. 6, in case of delivering a CM in the system disclosed in the Cited Document No. 1.

Claim 21 does not possess the inventive step based on the Cited Documents Nos. 1 and 7.

In the Cited Document No. 7, there is disclosed an image delivery system for delivering an advertisement image pre-designated by an advertiser, corresponding to an image data required to a client.

It is easily derived by a person skilled in the art to configure so as to determine a delivery schedule also including a CM of which the delivery conditions are pre-designated by an advertiser, by applying the technology disclosed in the Cited Document No. 7, in case of delivering a CM in the system disclosed in the Cited Document No. 1.